P. F. 9 & 96

G. R. S. IX-5]

Previous references.

1895-96
191 .
(L. R.)

File No. 116 of 95.

Serial Nos. 1 to 6.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

~~Part~~ B for September 1896.

SUBJECT.

Appeal of Srinivas Rao of Oddapparahally, Malur taluk, regarding a portion of land Sur. No. 106.

Countermarked
Spl. Grant

W D 1250—GPE—30,000—28-1-19

Endorsed
116

(2)

Petitions Nos: 641 and 2056 of
30/9/95 and 4/12/95

Petitioner — Arumugam Ravi
~~Zamindar~~ Zamindar, residing
in Kodaikanal, Kodai
Taluk

Subject

Appealing against an order of
the Dt. Collr. Madura directing that
a portion of Survey No: 106 shown
as Government
be made over to the Plantain
Department

Petitioner is the Zamindar of Survey
No: 106 [*] ~~he had planted Cavendish~~
~~plants on this land. Petr. says that~~
~~in the year 1890 and 1891 they are~~
Petitioner
~~now about ripe for plucking~~
~~Plantain plants into the Government~~
~~Plantation at Kodaikanal.~~
~~Petitioner therefore demands compensation.~~

The Dt. Collr. order is — A portion
of which is Survey No: 106 had,
prior to survey and settlement
been made over by the Revenue
Dept. to the Plantain Dept. for the
purpose of making a nursery. At
the settlement it was by mistake

(X). No: 4595 17.7.95

[*] A portion of this year survey was
has been granted in 1886 to the Forest
Dept. for nursery purposes. Petr.
says that it was granted to him
at the Survey settlement in 1890-91.
His complaint is that he has since
been unjustly deprived of that
portion.
AS.
13/2/96

Numbers 93 and 131 as also 130 were clubbed together and formed into Survey No: 106 measuring in all 3 acres and 22 guntas and bearing a total assessment of Rs 21, of which 2 acres and 26 guntas are wet assessed at Rs 14 and the remainder, viz, 1 acre is garden with an assessment of Rs 7. This latter portion of the land is the one that bore Inam No: 130 and on which the nursery has been formed. It becomes clear from the Remission statement as well as from Pet^{r} No: 1641 that from 1890-91 the kandaya on the disputed portion has not been paid by Pet^{r}. By Govt. Proceedings No: 4238 dt 31.10.95 it is directed R.T. 10-95 that these arrears from 18 shall be written off the accounts.

Inspection Note No: 347 dt 2-2-91 produced by Pet^{r}

Pet^{r} also admits that he was a Mestri in the Plantation Dept^{t}. Pet^{r} in his Pet^{n} No: 1641 says that the following records should be perused in connection with this case: —

(1) Order No: 632 dt 31.1.88 referring to the Narsapur Hobli Shekdar a Yadi from the ranger requesting that the land in dispute should be made over to the Plantation Dept^{t} and the file connected therewith.

(2) Petition presented by the Shanbogue to the Asst. Conservator of Forests on 1/11/90 and also Petrs petn to the same. Asst. Conservator's Yadi to the Amildar on 21.3.91 and correspondence thereon.

(3) Survey Post Pahani, Tippani, Faisal Patrika, Lavani together with Amildar's notice and Petrs Kaifiyat.

(4) Dy. Comrs order on Wasul Baki Patrika for the year Vijaya

(5) Amildar's report after inspecting the land and taking Petrs and Shanbogue's kaifiyats and file connected thereunto.

A.S.
12/2/96

The Petr. urges :—

(1) that he agrees to take up the portion in question at the Survey settlement as the Amildar stated that there was an order from the Survey Supt. that Petr. should either take up that portion or give up his holding in the Survey No 106,— and that he then executed a Muchalika

(2) that after the land in question was so granted the Govt. servants removed the plants in the nursery which he had formed thereon, to the Govt. plantation at Yesvantapur

(3) that when subsequently one Nestu Chandra began to form nursery again there on behalf of Govt. he (Petr.) complained to higher authorities and Mr. Rabenhorst stated that Govt. as sub-tenant, would pay him Kandayam,

as

included in the lands in Petty Sriniwasa Rao's Khata. He is entitled to no compensation in respect of any trees he might have planted in any part of it. He was a Mistri of that Dept.; whilst so, it was his fault if he planted trees on a land belonging to that Dept. Informing him of this, get the land, Khadest and submit an alienation statement for striking off the protected reserve of the said land and a revision statement in respect of the areas of assessment to Srinivasa Rao should not disturb the Inamdar say to the Survey. The Remission and Alienation Statements were submitted by, and passed by, Govt.

From the records now forthcoming the facts appear to be that the portion of survey No: 130, the subject matter of complaint, formed part of the old number 130. That this No: 130 was made over by the Forest department in 1888 for forming a nursery. Srinivasa Rao, (Govt.) applied for fields Nos: 93 and 131 which were made over to him in 1889-90. During the Survey Settlement in 1890-91, the close

on the Govt. proceedings Nos: 4241-93 R.D. 10-95 dt. 31/10/95 and 4235 R.D. 10-95 dt. 31/10/95.

5

as in the case of the nursery in the remaining portion of No 106.

(4) that at the 1st January sale for Vijaya the 2nd Defdt ordered that areas of Kandy on the portion in question should be removed from the Plantation Defdts and that the Plaintiffs Defdts should not hereafter interfere with the land

(5) that nevertheless out of regard for the Ranjer, the 1st Defdt has since modified the said order & directed Defdts to quit the land

(6) that Defdts have at great expense planted tea plants on the land

(7) that copies of necessary records applied for by them were not granted.

Views as a claim to be entered in the Village Tribunal of the land (Cl. 5, vide Sch. of the Council Rules) that is a Council case.

Proctor for Plaintiff

The appeal is out of time by 5 days. Petr avers that the order of 27/31-7-95 was delivered to him on 8.8.95. If appeal-time be calculated from the latter date the appeal is in time.

Submitted for orders.

13/2.

Appeal No 104 of 95-96.

(6)

Appellant

Venkatarama Rao

Claim to a portion of Survey No 106 of Doddapanhalli, Malur Taluk

List of papers in the appeal

(1) appeal petition

(2) Office note.

(3) Office Memorandum

(4) Copy of Sub-Assistt Conservator's letter
Letter by Comr of 3.4.96.

(5) by Commr's letter of 4.7.96.

The second question now refer
to the trees standing upon a ba
of survey no 106 which was in th
possession of the Forest Deptt.
Potr was himself a master of
Forest Deptt at the time and
the land was in his dept. &
was in the course of the survey &
added on to 106 of which the
was the skeleton. It was he
bounden duty to have stated
truth at the time & referred
the question to the orders
his superior. But he failed
do so & concealed what had
land added on to his holdin
But this relation to the Forest D
could not deprive it of the la
which it had need there
a Departmental Subordinate
and accordingly the Potr ne
gave the assessment of thi
land & allowed it to be appr
and given over to the Forest D
In the interval the Potr adm
that he did not give the Kan
which was more under
the amount. It is thus clea

& Campground
& facilities
Portion thereof
must be
~~leased~~ cancelled
until
18/2/96

19/2/96

drafted

2

The Pet^r did not possess
any right to the land
Even if he had planted
trees under them conditions
he would have acquired no
right to them. But he
was merely the nursery
master of the Forest Dept. The
presumption under the circ^s
is that he planted the trees
for the Forest Dept. That
this was so is borne out by
the Forest Dept conservator's letter
N^o
The Pet^r's claim
to the trees is inadmissible
& was properly rejected. His
appeal is dismissed

13/8/96

D. L. R. 116-95-1

Unstamped
Register as received
Dist Collector
Register
Petition
7-11-95
Dy Collector
Attended to
Bd
4/12/95

Report
11/11
Petitioner made good & Evidence produced
with Exhibit No 1 to 6.
The Dy Commissioner order is as follows:-
A portion of Survey No. of Kadachanallur
to survey a settlement has been made over by
the Revenue Dept & the Plantation Dept
for the purpose of making a nursery & at
the settlement it was by mistake included
in the lands in Dr Srinivasa Rao's
Pattah. He is entitled to the compensation
in respect of any trees he might have
planted in any land which belongs
Mettur Dept of that Department. Whereas
it was discovered by the Mandal Tahsildar
as land belonging to that Dept. Before
steps of this, for the said purpose
Revenue to obtain orders Statement
for writing off the Superintending Engineer
of the said land and a certificate that
I Mandal be refunded the amount of
assessment. Srinivasa Rao should
not restored to Pattah only to this
Nursery.

Stamp duty
Appeal time 60 days.
Petr says he received order on 8/11/95
i.e. 3 days after the date of it. If so the
appeal could be in time.

Called for explanation
Case to be after Nov 15

1895

No. 164

Name of Petitioner, Srinivasa Rao Zamindar

Village, Kadachanallur

Taluk, Madura

District, Madura

Date of Arzi, 30-10-95

Date of Receipt, 6-11-95

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

Appeals against the Kolar District Court order dt 7-7-95 refusing from Petn setting aside the Dy Collr's order dt 30-10-95 passed with the object of the Petitioner to retain and retain the rent of Rs 1 per annum a remission of the arrears due

States that he has agreed to take up land of the Govt the above village on Kandanam lease on the terms of Rs 1 per annum at the Madura Tahsildar's Nursery that certain plants standing thereon were removed by the Govt

L.R. 116-95-2.

Reference from ...

...not shown that the Petn... an alienation Statement ... mission Statement in July last ... must in due course have been ... Govt. Correspondence in Revenue ... has been a reply on this subject ... refer

... in the Forest Branch.

... Branch ...

Petn Branch

References pulling. (Please ... Govt Bro: Nos. 4241-43/R710-95 dy 31/10/95 ... 4238/R710-95 dy 31.10.95).

~~Book Petns~~

... up an office note.

HLL 3/1/96

1895

No. 2006

Name of Petitioner, Sreenivasa Rao Zemindar

Village, Madavarahalli

Taluk, Malur

District, Kolar

Date of Arzi, 4-12-95

Date of Receipt, 7-12-95

Date of Disposal,

No. of Enclosure, 2

ABSTRACT.

In accordance with this Off endt No 1641 dy 11-11-95. Petr sends this petition attached with two rupees stamp. Prays that the enclosures of this petition may be attached to this petition dy 30-10-95 and that the case may be heard in his presence.

BLLewin

13/12.

Plaintiff's Affidavit in support of Application for Interim Injunction

I, Ramdeo Chaudhary, Plaintiff in the above-named suit, do hereby solemnly affirm and state as follows:

1. That I am the Plaintiff in the above-named suit and am fully conversant with the facts and circumstances of the case.

2. That I have filed the above-named suit against the Defendant for a permanent injunction restraining him from interfering with my peaceful possession and cultivation of the suit land, which I have been in possession of for the last 12 years.

3. That the Defendant has recently started claiming ownership of the suit land and has threatened to dispossess me from the same.

4. That I have a prima facie case with a high probability of success on merits, as I have been in continuous possession of the suit land and have cultivated the same.

5. That unless the Defendant is restrained by an order of this Hon'ble Court, I will suffer irreparable loss and injury which cannot be adequately compensated in monetary terms.

6. That the balance of convenience also lies in my favour, as I have been in possession of the suit land for a long time and the Defendant has no immediate need of the same.

7. That I undertake to abide by any order that this Hon'ble Court may pass in the interest of justice.

8. That the contents of the above affidavit are true and correct to the best of my knowledge and belief.

Verified at Patna on this 15th day of March, 2024.

Ramdeo Chaudhary
Deponent

L.R. 116-95-3

Pet 1504 encl four

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 1641 and 2006 dated 30-10-95 and 4-12-95 2 reps.

received at the Dewan's Office from Sreenivasa Rao Zamindar of Addapanchally, Malur Sk. appealing against the Kolar Deputy Commissioner's order regarding Survey No. 105 of Addapanchally

is forwarded, together with its two enclosures, to the Deputy Commissioner of the Kolar District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Draft

BANGALORE,

21-2-1896

for ~~Chief~~ Secretary.

22

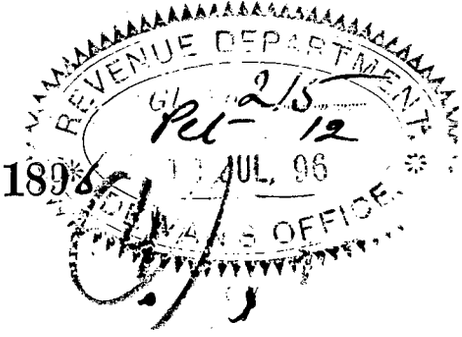
21/2

20/2/96

M.G.C.P.B.—25-4-95—1,000

Pet
1506

Gen. 31.]



L.R. 116-95-4

This is a case to be posted for hearing before the Council.
A hearing officer to be prepared before the next meeting of the 2nd Councillor.
A.S. Subd.
A.S. 11/7/96
Posted for 3rd July.
Issue notice
Copy forwarded
Notices prepared.
13/7

From The Deputy Commissioner
Kolar district

To Revenue and General
The Secretary to the Government
~~Dewan~~ of Mysore.

Dated the 2nd July 1896
Despatched 3rd
Received
General No. 78
No. 4622
Enclosure No. Piece to 1

Reporting on the 2 petitions from Srinivasa Row of Goddekhanahalli, Malur Taluk

Petitions Branch
9/7/96
Mch

Subject to refer.
11/7

Kolar Gold Mines Commissioner's
Office, Dated 1st July 1896.

To

The Secretary to the
Government of Mysore
Revenue and General Department.

Sir,

Adverting to your official memorandum No. 1504/1504 dated 21st February 1896 forwarding for report a petition from Venkatarama Iyer of Oorigaum Kolar, appealing against this Office order regarding disposal of the said village, I have the honour to state that in 1888 Huje Number 120 of Oorigaum was given to the Plaintiff Department for a nursery of plants and the same was taken charge of by the Petitioner on account of that Department of which he was a Mistri at the time.

2. In 1894, the Petitioner obtained the adjoining Huje Number 93 and 121 for himself on assessment, and at the Survey

X herewith, returned with enclosures.

Survey settlement which took place in 1890-91 two of the other counters Nos. 30 and 131 along with a certain number 128 were omitted together and formed into Survey No. 66 measuring 2 acres 36 guntas with the assessment of Rs. 2/-

3. The petitioner being absent at the Survey settlement, the settling officer left the case to the disposal of the Survey with a direction that the entire number (66) should be taken up by the petitioner as if he declined to do so, the number should be returned as encroachment waste.

4. The petitioner has subsequently appeared before the Survey and consented to take up the number, it was registered in his name and the land appropriated by the Mamlatdar. Application for a survey number taken up by the petitioner lapsing by a mistake

5. The Mamlatdar's proceedings are therefore confirmed & both parties

of

admittedly not in his possession and the trees which would seem to have come into existance prior to the grant of Survey No: 106 to him and during the period he was employed as a Maistri of the Plantation Department could not have been planted by him except on account of that Department. Further the Sub-Assistant Conservator's letter No: 323 dated 3rd April 1894 (copy enclosed for information) shows that the trees under notice were raised at the cost of the Plantation Department.

8. It will thus be seen that the Petitioner's appeal is utterly untenable.

9. The vernacular records bearing on the subject as per accompanying Perish are herewith submitted for reference and obligue return when no longer required.

I have the honor to be

Sir,

Your most obedient Servant

Deputy Commissioner

Kolar District.

of the nursery land (meaning are, the Petitioner agreed to pay assessment for that portion of the Number. This led to some correspondence between the Office and the Plantation Department which also denied its liability to pay Rent/Rent/ for the land.

6. It was at length decided that the land used for the nursery should be separated from the Survey Number (186) in the Petitioner's holding and the proportionate assessment thereon permanently remitted. This has accordingly been done and the areas that had carried due on the bit of land in question have also been remitted. (Vide Government Proceedings Nos: $\frac{4241-3}{2.7.10-25}$ and $\frac{4238}{2.7.10-25}$ dated respectively the 21st October 1925.)

7. The Petitioner claimed in his own a large number of Cinnamon trees standing on the land, in charge of the Plantation Department and claimed a compensation therefor at Rupees 6 a tree. His claim was rejected as the land was

No. 323

Plantation Office
Lae 3rd April 1911

19

From

The Lieutenant Commanding
in charge of Plantations
Bangkok.

To

The Superintendent
Police District

Sir,

With reference to your memo No. 253/1403 dated 27th January last, calling upon this office to furnish the name and address of the village headman, in whose charge of allotment No. 106 of Radchaburi village that the land is stated to have been in possession of the Department and utilized for the purpose of growing tapioca plantation from the year 1899 (L.E.) prior to the date of Crown grant, I have the honour to state that the land in question is an uncultivable

unaccountable mistake was taken on to a private holding. The warrant for the land was being demanded by the Ranger who was informed that the demand appeared to be unfounded, under the circumstances that he was also asked for the land which was the usual practice of this department happened to be made over to a private party without the knowledge of this office. No official answer has been received on this point and, even after receipt of the reference under reply, the Ranger has been addressed a reminder which has not elicited any reply up to date.

His letter, referred by the Ranger that the land in question was originally taken up in the name of this Department by the Commissioner of Lands upon the application made by the Mountain Ranger and the Ranger's [illegible] to the

X. / Ranger's yard No. 37 - 1 - 38 - the Municipality of Malvern
2 / Municipality of Malvern - No. 4112 of 16 - 2 - 38
3 / Municipality of Malvern - copy & 4
4 / Statutory report & to the Municipality - No: 8311.

the Lighter when may be required at the Main Quay office, with the necessary light on the Quay. The Depôt must not therefore cease to have originally entered upon the Land till on the Junction and, as the Licensee disposes of the Land ceases shall be responsible and liable for the knowledge of the Junction Department & relieve the Licensee until notice shall be given on the Department.

I beg that you will hereafter be intelligible and impress the Lighter they ground and incidental to the Public duties & the Licensee must not [illegible] Lighter cease when the Land at the end of the Depôt Quay is no more required & must be given up to the Public.

I have &c.

(Signed) Geo. Stevens
Lieutenant Commander

Copy

M Reynolds

for Capt. Commander

Queen

MYSORE DEWAN'S [illegible]
PETITION DEPARTMENT.
REG'D. NO. 1641
DATE 1-11-95

22

Ephm 1641 ✓

1/11/95

[illegible]

[illegible]

I [illegible]

II [illegible]

III [illegible]

ਦੀਵਾਨੀ ਕਾਰਵਾਈ ਦਾਇਰ ਕਰਨ ਲਈ ਅਧਿਕਾਰਤ ਕੀਤਾ ਜਾਵੇ।

7 ਇਹ ਕਿ ਮੁਦਈ ਨੇ ਆਪਣੇ ਵਕੀਲ ਰਾਹੀਂ ਇਸ ਅਦਾਲਤ ਵਿੱਚ ਇਹ ਦਾਅਵਾ ਦਾਇਰ ਕੀਤਾ ਹੈ ਜੋ ਕਿ ਅਦਾਲਤ ਦੇ ਸਥਾਨਕ ਅਧਿਕਾਰ ਖੇਤਰ ਅੰਦਰ ਆਉਂਦਾ ਹੈ ਅਤੇ ਇਸ ਅਦਾਲਤ ਕੋਲ ਇਸ ਦੀ ਸੁਣਵਾਈ ਕਰਨ ਦਾ ਅਧਿਕਾਰ ਖੇਤਰ ਹੈ।

8 ਇਹ ਕਿ ਦਾਅਵੇ ਦੀ ਕੀਮਤ ਕੋਰਟ ਫੀਸ ਐਕਟ ਦੀ ਧਾਰਾ 7 ਅਧੀਨ ਨਿਰਧਾਰਤ ਕੀਤੀ ਗਈ ਹੈ ਅਤੇ ਕੋਰਟ ਫੀਸ ਅਦਾ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਮੁਦਈ ਨੇ ਸਥਾਈ ਮਨਾਹੀ ਦੇ ਹੁਕਮ ਦੀ ਮੰਗ ਕੀਤੀ ਹੈ ਜਿਸ ਦੀ ਕੀਮਤ ਮੌਜੂਦਾ ਜਾਇਦਾਦ ਦੀ ਕੀਮਤ ਦੇ ਬਰਾਬਰ ਹੈ ਅਤੇ ਇਸ ਲਈ ਕੋਰਟ ਫੀਸ ਐਕਟ ਦੀ ਧਾਰਾ 7 ਅਧੀਨ ਕੋਰਟ ਫੀਸ ਅਦਾ ਕੀਤੀ ਗਈ ਹੈ।

ਮਿਤੀ 31-7-2024 ਨੂੰ ਮੁਦਈ ਦੇ ਵਕੀਲ ਵੱਲੋਂ ਦਾਇਰ ਕੀਤੀ ਗਈ ਅਰਜ਼ੀ ਅਨੁਸਾਰ ਮੁਦਈ ਦੇ ਵਕੀਲ ਨੇ ਬਿਆਨ ਦਿੱਤਾ ਕਿ ਮੁਦਈ ਨੇ ਆਪਣੇ ਵਕੀਲ ਰਾਹੀਂ ਇਸ ਅਦਾਲਤ ਵਿੱਚ ਇਹ ਦਾਅਵਾ ਦਾਇਰ ਕੀਤਾ ਹੈ ਜੋ ਕਿ ਅਦਾਲਤ ਦੇ ਸਥਾਨਕ ਅਧਿਕਾਰ ਖੇਤਰ ਅੰਦਰ ਆਉਂਦਾ ਹੈ ਅਤੇ ਇਸ ਅਦਾਲਤ ਕੋਲ ਇਸ ਦੀ ਸੁਣਵਾਈ ਕਰਨ ਦਾ ਅਧਿਕਾਰ ਖੇਤਰ ਹੈ। ਮੁਦਈ ਦੇ ਵਕੀਲ ਨੇ ਅੱਗੇ ਬਿਆਨ ਦਿੱਤਾ ਕਿ ਦਾਅਵੇ ਦੀ ਕੀਮਤ ਕੋਰਟ ਫੀਸ ਐਕਟ ਦੀ ਧਾਰਾ 7 ਅਧੀਨ ਨਿਰਧਾਰਤ ਕੀਤੀ ਗਈ ਹੈ ਅਤੇ ਕੋਰਟ ਫੀਸ ਅਦਾ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਮੁਦਈ ਨੇ ਸਥਾਈ ਮਨਾਹੀ ਦੇ ਹੁਕਮ ਦੀ ਮੰਗ ਕੀਤੀ ਹੈ ਜਿਸ ਦੀ ਕੀਮਤ ਮੌਜੂਦਾ ਜਾਇਦਾਦ ਦੀ ਕੀਮਤ ਦੇ ਬਰਾਬਰ ਹੈ ਅਤੇ ਇਸ ਲਈ ਕੋਰਟ ਫੀਸ ਐਕਟ ਦੀ ਧਾਰਾ 7 ਅਧੀਨ ਕੋਰਟ ਫੀਸ ਅਦਾ ਕੀਤੀ ਗਈ ਹੈ।

ਮਿਤੀ 8-8-2024 ਨੂੰ ਮੁਕੰਮਲ ਹੋਈ ਬਹਿਸ

6 ਇਹ ਕਿ ਮੁਦਈ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਗਏ ਗਵਾਹਾਂ ਅਤੇ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀ ਪੜਤਾਲ ਕਰਨ ਤੋਂ ਬਾਅਦ ਅਤੇ ਮੁਦਈ ਦੇ ਵਕੀਲ ਦੀ ਬਹਿਸ ਸੁਣਨ ਤੋਂ ਬਾਅਦ ਇਹ ਸਾਬਤ ਹੁੰਦਾ ਹੈ ਕਿ ਮੁਦਈ ਨੇ ਆਪਣੇ ਦਾਅਵੇ ਨੂੰ ਸਾਬਤ ਕਰਨ ਲਈ ਲੋੜੀਂਦੇ ਸਬੂਤ ਪੇਸ਼ ਕੀਤੇ ਹਨ ਅਤੇ ਮੁਦਾਲਿਆਨ ਵੱਲੋਂ ਮੁਦਈ ਦੇ ਦਾਅਵੇ ਨੂੰ ਝੁਠਲਾਉਣ ਲਈ ਕੋਈ ਸਬੂਤ ਪੇਸ਼ ਨਹੀਂ ਕੀਤਾ ਗਿਆ, ਇਸ ਲਈ ਮੁਦਈ ਦਾ ਦਾਅਵਾ ਡਿਕਰੀ ਕੀਤੇ ਜਾਣ ਦੇ ਯੋਗ ਹੈ।

ਇਸ ਲਈ ਹੁਕਮ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਮੁਦਈ ਦਾ ਦਾਅਵਾ ਮੁਦਾਲਿਆਨ ਦੇ ਖਿਲਾਫ ਡਿਕਰੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਅਤੇ ਮੁਦਾਲਿਆਨ ਨੂੰ ਸਥਾਈ ਮਨਾਹੀ ਦਾ ਹੁਕਮ ਜਾਰੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਉਹ ਮੁਦਈ ਦੀ ਜਾਇਦਾਦ ਵਿੱਚ ਕੋਈ ਦਖਲ ਅੰਦਾਜ਼ੀ ਨਾ ਕਰਨ। ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਹਰਜਾਨੇ ਵਜੋਂ ਰੁਪਏ 50,000/- ਅਦਾ ਕਰਨ। ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਮੁਕੱਦਮੇ ਦੇ ਖਰਚੇ ਵਜੋਂ ਰੁਪਏ 10,000/- ਅਦਾ ਕਰਨ। ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਮੁਕੱਦਮੇ ਦੇ ਖਰਚੇ ਵਜੋਂ ਰੁਪਏ 10,000/- ਅਦਾ ਕਰਨ।

ਮੁਦਈ ਦੇ ਵਕੀਲ ਨੇ ਅਦਾਲਤ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਕਿ ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਵੇ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਹਰਜਾਨੇ ਵਜੋਂ ਰੁਪਏ 50,000/- ਅਦਾ ਕਰਨ। ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਵੇ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਮੁਕੱਦਮੇ ਦੇ ਖਰਚੇ ਵਜੋਂ ਰੁਪਏ 10,000/- ਅਦਾ ਕਰਨ। ਮੁਦਾਲਿਆਨ ਨੂੰ ਹੁਕਮ ਕੀਤਾ ਜਾਵੇ ਕਿ ਉਹ ਮੁਦਈ ਨੂੰ ਮੁਕੱਦਮੇ ਦੇ ਖਰਚੇ ਵਜੋਂ ਰੁਪਏ 10,000/- ਅਦਾ ਕਰਨ।

One hundred
Stamp affixed
VL

2006 R

4/12/95

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I [illegible]

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III [illegible]

4 [illegible]

5 [illegible]

[illegible]

L.R. 116-95-5

Proceedings of the Court of Wards

Read:-

(1) Petition of appeal No 1641/104 of 1895-96 presented by Srinivasa Row of Narasapur, Kistna District, against the order of the Deputy-Commr Kolar District dated 1st July 1895, regarding a portion of S. No 106 of Siddapurahalli Kistna District, in the petitioner's Khata

(2) Letter No 78/22 dated 4th July 1896 from the Deputy Commr Kolar District, reporting on the above petition, and the records received therewith

Facts of the case

In 1888, Inam No 130 of Siddapurahalli, was given to the Plantation Depot for purposes of a Nursery, and petitioner, as Inamdar of that Depot, was in charge of it on account of the Depot. Subsequently, at the Survey, it was clubbed with Inam Nos 73 and 131 which the petitioner

had obtained for himself and the whole was formed into one Survey No, Ref. 106, which the petitioner took up at the Settlement. The nursery however continued to be in the possession of the Plantation Deptt and at the instance of that Department, the proportionate assessment leviable on the price of land in question was in Progs No. 4241-43 dated 31-10-95 R. 7 10-95-96 ordered to be written off the accounts, and the arrears of the said Kandayam from 1890-91 to 1894-95, which the petitioner, the Khalédar, had not paid, were remitted by Govt in Proceedings No. 4238 R. 7 10-95 of the same date. The Dy. Collector held that petitioner was not entitled to any compensation in respect of the trees on the land. The petitioner urges that the Plantation Deptt

removed the plants which were on the land prior to the Survey Settlement and that the trees now on the land had been planted by him since. The Sub-Asst Conservator in his letter No 3233 3° April /96 states that the trees were raised at the cost of the Plantation dept

No. 2335-36 Rev: H I Ver: file.
~~Rl-358~~ 27-8-96.
C.S.9-96

Order thereon

The question now refers to the trees standing upon a portion of Survey No 106, which was in the possession of the Forest dept. The petitioner was himself a member of the Forest department at the time and the land was in his possession. It was, in the course of the Survey Settlement, added on to No 106 of which the petitioner was the Khatedar. It was his bounden duty to have stated the truth at the time

and referred the question for the orders of his superiors. But he failed to do so, and connived to have that land added on to his holding. But his relation to the Forest Deptt could not determine it if the land which it had held through a departmental subordinate, and accordingly the petitioner never had the assessment of the land, and he allowed it to be separated and given over to the Forest Deptt. In the interval, the petitioner admits, that he did not pay the Kandayam which was since written off the accounts. It is thus clear that the petitioner did not possess any right to the land. Even if he had planted trees under these conditions, he would have acquired no right to them. But he was himself the

the nursery erected by the Forest Dept. The presumption under the circumstances is that he planted the trees for the Forest Dept. That this was so is borne out by the Sub-Assistant Conservator's letter No. 325 dated 3rd April 1894.

2. The petitioner's claim to the trees is inadmissible and was properly rejected. This appeal is dismissed

27-4-94.

Secretary

Re-draft
C 2 & 3

To

The Deputy Commr.
Kolar Dist with Records
A copy of Govt order to
the petitioner
The forwarder of Govt.

M 24/8
MR 1/9.

35

Refer papers, evidence
B 1477 for decision

2 Drafts submitted

27-8-26

Dep^t clerk note

Members
Make a note that
this has been done

WOT
☆
1978

84

By Order

Draft 27-8-96

Secretary.

4/8

S.V. 20/8/96.